THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 15988 of 2006

Dated: 01-08-2006

Between:

Mr. M.V.Tulasidas

..... PETITIONER

AND

The South Central Railway,
Sr. Divisional Commercial Manager,
Vijayawada and another

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 15988 of 2006

O R D E R:

The petitioner was granted licence by the first respondent as rail travel service agent under an agreement dated 10-06-2004. The agreement itself provides for a specific clause for suspension of the licence under the circumstances specified thereunder. In terms thereof, the petitioner was issued a show cause notice and ultimately by order dated 24-07-2006 the licence of the petitioner was suspended which is under challenge in this writ petition.

It is to be noted that Clause 18 of the agreement provides for an appeal and as a matter of fact the petitioner had already preferred an appeal before the Chief Commercial Manager, South Central Railway, Rail Nilayam, Secunderabad.

Moreover, since the dispute arises out of a non-statutory contract voluntarily entered into between the petitioner and the respondents, even assuming that the licence was suspended in breach of the terms and conditions, the matter cannot be dealt with under Article 226 of the Constitution of India. Hence, I am not inclined to entertain this writ petition. As the petitioner has already availed the remedy of appeal as provided under the agreement, it is open to him to pursue the said remedy. However, it is made clear that this Court shall not be understood to have expressed any opinion on merits and it is open to the Appellate Authority to decide the appeal preferred by the petitioner

independently on merits.

The writ petition is accordingly dismissed. No costs.

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G. ROHINI, J

Dated: 01-08-2006
KLP